

California Department of Insurance

Fraud Division

November 2011 Workers' Compensation Fraud Convictions

Effective January 01, 2005, Assembly Bill 2866 (Frommer) enacted Insurance Code Section 1871.9 requiring the posting of all workers' compensation fraud convictions to the CDI website.

Per section 1871.9, the department shall post all of the following information on its Internet Web site for each person, as defined in Section 19, convicted of a violation of this article (1871.4), Section 11760 or 11880, Section 3700.5 of the Labor Code or Section 487 or 550 of the Penal Code, if the violation involved workers' compensation insurance, services or benefits:

- The name, case number, county or court and other identifying information with respect to the case.
- The full name of the defendant.
- The city and county of the defendant's last known residence or business address.
- The date of conviction.
- A description of the offense.
- The amount of money alleged to have been defrauded.
- A description of the punishment imposed, including the length of any sentence of imprisonment and the amount of any fine imposed.

The information required to be posted under this section shall be maintained on the department Web site for a period of five years from the date of conviction or until the department is notified in writing by the person that the conviction has been reversed or expunged.

Note: If new documentation has been received that in any way affects the conviction information contained herein, please forward that documentation with an explanation to:

Bureau Chief, Workers' Compensation Program
9342 Tech Center Drive, Suite 100
Sacramento, CA 95826

A determination to make any changes will be made within sixty (60) days of receipt of the information.

November 2011 Workers' Compensation Fraud Convictions

Case Number: BA379432

County: Los Angeles

Defendant: Arturo Botello

City/County of Residence: Not available at this time

Conviction Date: 11/08/11

Offense: 1 Count of IC 1871.4(a)(1) (Make or Cause to be Made a Knowingly False or Fraudulent Material Statement or Material Representation for the Purpose of Obtaining Compensation)

Amount Allegedly Defrauded: TBD

Sentence: 100 Hours Community Services, 3 Years Formal Probation, \$200 Civil Fine

CDI Case Number: 11AW009148

County: Sacramento

Defendant: Marlon Thomas Bowen

City/County of Residence: Sacramento/Sacramento

Conviction Date: 11/14/11

Offense: 1 Count of IC 1871.4(a)(2) (False or Misleading Statement in Support of Claim) (Misdemeanor)

Amount Allegedly Defrauded: \$3,302

Sentence: 20 Days County Jail (Converted to 114 Hours Alternative Sentencing Program), 3 Years Informal Probation, \$3,302 Restitution, \$100 Civil Fine

CDI Case Number: 10CW003449

County: Los Angeles

Defendant: Abraham Dvir

City/County of Residence: West Hills/Los Angeles

Conviction Date: 11/18/11

Offense: 2 Counts of IC 11880(a) (Premium Fraud) (Misdemeanor)

Amount Allegedly Defrauded: \$112,966.89

Sentence: 20 Hours Community Service (has been Satisfied), 2 Years Summary Probation, \$112,966.89 Restitution (has been Paid in Full), \$100 Civil Fine

Case Number: 2011013222

County: Ventura

Defendant: Jose Luis Garcia Galvez

City/County of Residence: Oxnard/Ventura

Conviction Date: 11/07/11

Offense: 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

Amount Allegedly Defrauded: NA

Sentence: 24 Months Conditional Probation, \$10,000 Criminal Fine (\$9,000 Stayed

CDI Case Number: 10JW014563

County: Los Angeles

Defendant: Lorena Hober Hernandez

City/County of Residence: Winnetka/Los Angeles

Conviction Date: 11/04/11

Offense: 1 Count of IC 1871.4(a)(1) (Make or Cause to be Made a Knowingly False or Fraudulent Material Statement or Material Representation for the Purpose of Obtaining Compensation)

Amount Allegedly Defrauded: \$8,767

Sentence: 2 Days County Jail, 100 Hours Community Service, 3 Years Formal Probation, \$8,767 Restitution, \$200 Civil Fine

CDI Case Number: 10AW021445

County: Yolo

Defendant: Salvador Ramirez Martinez

City/County of Residence: Sacramento/Sacramento

Conviction Date: 11/04/11

Offense: 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

Amount Allegedly Defrauded: N/A

Sentence: 36 Months Summary Probation, \$190 Civil Fine, \$40,000 Criminal Fine (\$39,000 Stayed), \$125 to Yolo County District Attorney Fraud Unit

Case Number: BA387004

CDI Number: 11JW005200

County: Los Angeles

Defendant: Medardo Palencia

City/County of Residence: Los Angeles/Los Angeles

Conviction Date: 11/01/11

Offense: 1 Count of IC 1871.4(a)(1) (Make or Cause to be Made a Knowingly False or Fraudulent Material Statement or Material Representation for the Purpose of Obtaining Compensation)

Amount Allegedly Defrauded: \$7,762

Sentence: 200 Hours Community Services, 5 Years Formal Probation, \$7,762 Restitution, \$200 Civil Fine (Stayed Pending Successful Completion of Probation)

CDI Case Number: 09BW004285

County: Alameda

Defendant: Marcia Evette Pauley

City/County of Residence: Hayward/Alameda

Conviction Date: 11/18/11

Offense: 1 Count of PC 550(b)(1) (Failure to Disclose Material Information)

Amount Allegedly Defrauded: \$4,500

Sentence: 1 Day County Jail, 60 Hours Community Service, 6 Months Conditional Probation, \$4,500 Restitution, \$200 Civil Fine

CDI Case Name: AV Trucking
CDI Case Number: 09HW010428
County: San Bernardino
Defendant: Abel Vidales
City/County of Residence: Moreno Valley/Riverside
Conviction Date: 11/08/11
Offense: 1 Count of IC 1871.4(a)(1) (Make or Cause to be Made a Knowingly False or Fraudulent Material Statement or Material Representation for the Purpose of Obtaining Compensation) (Misdemeanor)
Amount Allegedly Defrauded: \$6,631.06
Sentence: 36 Months Conditional Probation, \$6,631.06 Restitution, \$110 Civil Fine

CDI Case Number: 11BW001124
County: Napa
Defendant: Randall Ray Weaver
City/County of Residence: Napa/Napa
Conviction Date: 11/15/11
Offense: 1 Count of PC 550(b)(1) (Failure to Disclose Material Information) (Misdemeanor)
Amount Allegedly Defrauded: \$2,176.56
Sentence: 30 Days County Jail, 3 Years Formal Probation, \$2,176.56 Restitution, \$100 Civil Fine